

RESOLUTION NO. 2021-07

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SEDONA, ARIZONA, APPROVING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA ACTING BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION, IDENTIFYING COST-SHARING RESPONSIBILITIES FOR IMPROVEMENTS AT THE INTERSECTION OF SR 179 & SR 89A AND PROVIDING AUTHORIZATION FOR THE MAYOR TO EXECUTE SAID AMENDMENT.

WHEREAS, the City of Sedona ("City") and the State of Arizona, acting by and through its Department of Transportation ("ADOT"), have prepared an amendment to the Intergovernmental Agreement identifying each agency's responsibilities for cost-sharing of improvements at the intersection of SR 179 & SR 89A; and

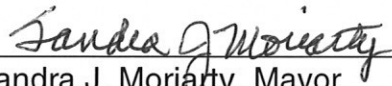
WHEREAS, the City and ADOT are mutually agreeable to entering into an agreement and desire to partner in the implementation of improvements at the intersection of SR 179 and SR 89A; and

WHEREAS, the City has reviewed the terms of the amendment to the Intergovernmental Agreement and determined that it is in the proper form required by A.R.S. §§ 11-951 through 11-954.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE COUNCIL OF THE CITY OF SEDONA, ARIZONA THAT:

The City of Sedona, through its Mayor and Council, hereby approves the amendment to the Intergovernmental Agreement with ADOT identifying cost-sharing responsibilities for improvements at the intersection of SR 179 & SR 89A, and the Mayor is authorized to execute said Agreement on behalf of the City.

PASSED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona this 27th day of April, 2021.




Sandra J. Moriarty, Mayor

ATTEST:



Susan L. Irvine, CMC, City Clerk

APPROVED AS TO FORM:



Kurt W. Christianson, City Attorney

ADOT File No.: IGA 18-0006995-I
Amendment No. One: 20-0008027-I
AG Contract No.: P001 2018 002715
Project Location/Name: Intersection of
SR 179 & SR 89A Bypass Lanes
Type of Work: Highway Construction
Federal-aid No.: A89-A(210)T
ADOT Project No.: F020601D/01C
TIP/STIP No.: NA
CFDA No.: 20.205 - Highway Planning and
Construction
Budget Source Item No.: 101184

**AMENDMENT NO. ONE
TO
INTERGOVERNMENTAL AGREEMENT**

**BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF SEDONA**

THIS AMENDMENT NO. ONE to INTERGOVERNMENTAL AGREEMENT (the “Amendment No. One”), is entered into this date May 12, 2021, pursuant to Arizona Revised Statutes (“A.R.S.”) §§ 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the “State” or “ADOT”) and the CITY OF SEDONA, acting by and through its MAYOR and CITY COUNCIL (the “City”). The State and the City are collectively referred to as the “Parties.”

WHEREAS, the INTERGOVERNMENTAL AGREEMENT, IGA 18-0006995-I, A.G. Contract No. P001 2018 002715, was executed on April 16, 2019, (the “Original Agreement”);

WHEREAS, the State is empowered by A.R.S. § 28-401 to enter into this Amendment No. One and has delegated to the undersigned the authority to execute this Amendment No. One on behalf of the State;

WHEREAS, the City is empowered by A.R.S. § 48-572 to enter into this Amendment No. One and has by resolution, a copy of which is attached and made a part of, resolved to enter into this Amendment No. One and has authorized the undersigned to execute this Amendment No. One on behalf of the City; and

NOW THEREFORE, in consideration of the mutual terms expressed herein, the purpose of this Amendment No. One is to revise the Project scope and costs. The Parties desire to amend the Original Agreement, as follows:

I. RECITALS**Section I, Paragraph 3, is revised as follows:**

3. The purpose of this Agreement is to allow the Parties to combine resources to resurface pavement, by milling and filling as well as upgrading the pavement markings, in the vicinity of SR 89A at the Brewer Rd. intersection and the SR 179 intersection, within the City's jurisdiction (the "Project"). The Project will give warning of the traffic movements in the roundabout and includes, but is not limited to, upgrading and adding signage to the approaches along northbound (NB) SR 89A and NB SR 179 and southbound (SB) SR 89A leading to the roundabout, installing new pavement markings, upgrading curb ramps to meet Americans with Disabilities Act (ADA) standards, and installing temporary advanced warning signs for traffic control.

II. SCOPE OF WORK**Section II, Paragraph 1.b., is deleted, and Paragraph 1.d., is revised as follows:**

1. The Parties agree:
 - d. The preliminary Project construction (including utility relocation) cost is estimated at \$900,000.00. The Parties will each contribute \$450,000.00 toward the construction of the Project, as shown in Exhibit A. The construction cost estimate will be updated at the Stage III, Stage IV, and Stage V design submittals. At that time, ADOT or the City may decide to terminate the design and construction of the Project.

Section II, Paragraph 2.b., and 2.i., are revised as follows:

2. The State will:
 - b. Invoice the City for the City's share of PDA and Project design costs, estimated at \$252,708.00. After the Project costs for design are finalized, the State will either reimburse or invoice the City for the difference between estimated and actual costs to complete design for the Project, in the same percentage as originally contributed to the Project.
 - i. After completion of design and prior to bid advertisement, invoice the City for the actual PDA costs, as applicable, and the City's share of Project construction costs, including utility relocation, estimated at \$450,000.00. After the Project costs for construction are finalized, the State will either reimburse or invoice the City for the difference between estimated and actual costs to complete the construction of the Project, in the same percentage as originally contributed to the Project.

Section II, Paragraph 3.b., and 3.e., are revised as follows:

3. The City will:
 - b. Within 30 days of receipt of an invoice from the State, pay the initial PDA and design costs, estimated at \$252,708.00. Be responsible and pay for, Project design costs that exceed the

original estimate, within 30 days of receipt of an invoice from the State in the same percentage as originally contributed to the Project.

- e. After completion of design, within 30 days of receipt of an invoice from the State and prior to bid advertisement, pay to the State, any outstanding PDA costs and the City's share of the Project construction costs (which includes utility relocation costs) estimated at \$450,000.00. Be responsible and pay for, in the same percentage as originally contributed to the Project, the difference between the estimated and actual construction costs of the Project, within 30 days of receipt of an invoice.

III. MISCELLANEOUS PROVISIONS

Section III, Paragraph 18, is revised (footnote removed), as follows:

18. The Parties shall ensure that all contractors comply with the applicable requirements of Arizona Revised Statutes §35-393.01.

EXCEPT AS AMENDED, ALL OTHER terms and conditions of the Original Agreement remain in full force and effect.

THIS AMENDMENT NO. ONE shall become effective upon signing and dating of the Determination Letter by the State's Attorney General.

IN ACCORDANCE WITH A.R.S. § 11-952 (D) attached and incorporated in this Amendment No. One is the written determination of each Party's legal counsel that the Parties are authorized under the laws of this State to enter into this Amendment No. One and that the Amendment No. One is in proper form.

IN WITNESS WHEREOF, the Parties have executed this Amendment No. One the day and year first above written.

CITY OF SEDONA

STATE OF ARIZONA
Department of Transportation

DocuSigned by:
Sandra J. Moriarty
By _____
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SANDRA J. MORIARTY
Mayor

DocuSigned by:
Steve Bosch
By _____
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STEVE BOSCHEN, PE
Division Director

ATTEST:

DocuSigned by:
Susan L. Irvine
By _____
73AB72E7F35A418...
SUSAN L. IRVINE
City Clerk

ATTORNEY APPROVAL FORM FOR THE CITY OF SEDONA

I have reviewed the above referenced Amendment No. One to the Original Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the CITY OF SEDONA, an agreement among public agencies which, has been reviewed pursuant to Arizona Revised Statutes §§ 11-951 through 11-954 and declare this Amendment No. One to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Amendment No. One.

DocuSigned by:

CD8CCD2FBDC94A7...

City Attorney

4/29/2021

Date

EXHIBIT A

Cost Estimate

F0206 01D/01C

The federal funds will be used for the design and construction of the Project, including the construction engineering (CE) and administration cost. The estimated Project costs are as follows:

ADOT Project Development Administration (PDA/design:

City's contribution	\$ 252,708.00
State's contribution	<u>\$ 252,708.00</u>

Subtotal - Design/PDA*	\$ 505,416.00
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Utility Relocation/Construction:

City's contribution	\$ 450,000.00
State's contribution	<u>\$ 450,000.00</u>

Subtotal - Utility Relocation/Construction**	\$ 900,000.00
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Estimated TOTAL Project Cost	\$ 1,405,416.00
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Total Estimated City Funds	\$ 702,708.00
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Total Estimated State Funds	\$ 702,708.00
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* (Included in the City's Estimated Funds)

** (Includes 15% CE (this percentage is subject to change, any change will require concurrence from the City) and 5% Project contingencies)

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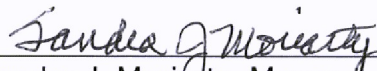
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PASSED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona this 27th day of April, 2021.




Sandra J. Moriarty, Mayor

ATTEST:



Susan L. Irvine, CMC, City Clerk

APPROVED AS TO FORM:



Kurt W. Christianson, City Attorney

Certificate Of Completion

Envelope Id: 797F14882DEC4584878BC0554A52E17A

Status: Completed

Subject: Please DocuSign: 04.29.21_For DuS 18-0006995-Amend 1-Dist NC-City of Sedona-F020601D_01C.pdf

Source Envelope:

Document Pages: 6

Signatures: 4

Envelope Originator:

Certificate Pages: 6

Initials: 0

Liliana Aguilar

AutoNav: Enabled

206 S 17th Ave

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Phoenix, AZ 85007

Time Zone: (UTC-07:00) Arizona

laguilar@azdot.gov

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laguilar@azdot.gov

Signer Events

Kurt W Christianson

KChristianson@sedonaaz.gov

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(None)**Signature**DocuSigned by:

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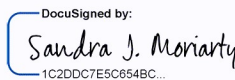
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Sandra J. Moriarty

smoriarty@sedonaaz.gov

Mayor

Security Level: Email, Account Authentication
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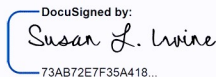
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Susan L. Irvine

sirvine@sedonaaz.gov

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Steve Boschen

sboschen@azdot.gov

Division Director - IDO

ADOT

Security Level: Email, Account Authentication
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Agent Delivery Events	Status	Timestamp
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Intermediary Delivery Events	Status	Timestamp
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Certified Delivery Events	Status	Timestamp
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Carbon Copy Events	Status	Timestamp
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Jennifer Acuna jacuna@azdot.gov Project Manager ADOT Security Level: Email, Account Authentication (None)	<div style="border: 2px solid blue; padding: 5px; display: inline-block;">COPIED</div>	Sent: 4/29/2021 4:14:19 PM
Electronic Record and Signature Disclosure: Not Offered via DocuSign		

Liliana Aguilar laguilar@azdot.gov ADOT Security Level: Email, Account Authentication (None)	<div style="border: 2px solid blue; padding: 5px; display: inline-block;">COPIED</div>	Sent: 5/5/2021 9:54:49 AM Resent: 5/20/2021 2:55:22 PM Viewed: 5/5/2021 2:43:39 PM
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Electronic Record and Signature Disclosure:
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Liliana Aguilar laguilar@azdot.gov ADOT Security Level: Email, Account Authentication (None)	<div style="border: 2px solid blue; padding: 5px; display: inline-block;">COPIED</div>	Sent: 5/5/2021 3:57:03 PM Resent: 5/20/2021 2:55:23 PM Viewed: 5/20/2021 3:17:48 PM
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Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Envelope Summary Events**Status****Timestamps**

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Signing Complete	Security Checked	5/20/2021 2:55:17 PM
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Payment Events**Status****Timestamps****Electronic Record and Signature Disclosure**

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To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at DocuSignRequest@azdot.gov and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address.. In addition, you must notify DocuSign, Inc to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in DocuSign.

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To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to DocuSignRequest@azdot.gov and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

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To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign account, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to DocuSignRequest@azdot.gov and in the body of such request you must state your e-mail, full name, IS Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERS):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	<ul style="list-style-type: none"> •Allow per session cookies •Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection

** These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

Acknowledging your access and consent to receive materials electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

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- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
- Until or unless I notify Arizona Dept of Transportation as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by Arizona Dept of Transportation during the course of my relationship with you.